

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)  
nchatterjee@orrick.com  
2 P. WAYNE HALE (STATE BAR NO. 221492)  
whale@orrick.com  
3 ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
4 Menlo Park, CA 94025  
Telephone: 650-614-7400  
5 Facsimile: 650-614-7401

6 THOMAS J. GRAY (STATE BAR NO. 191411)  
tgray@orrick.com  
7 ORRICK, HERRINGTON & SUTCLIFFE LLP  
4 Park Plaza, Suite 1600  
8 Irvine, CA 92614  
Telephone: 949-567-6700  
9 Facsimile: 949-567-6710

10 Attorneys for Plaintiff  
FACEBOOK, INC.

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION  
15

16 FACEBOOK, INC.,

17 Plaintiff,

18 v.

19 ADAM GUERBUEZ; ATLANTIS BLUE  
CAPITAL; AND DOES 1-25,

20 Defendants.  
21  
22  
23  
24  
25  
26  
27  
28

Case No. C08 03889 JF HRL

**MISCELLANEOUS ADMINISTRATIVE  
REQUEST FOR DETERMINATION OF  
ENFORCEABILITY AND NON-  
APPEALABILITY;  
[PROPOSED] ORDER**

Date:

Time:

Location: Courtroom 3, 5th Floor

Judge: Hon. Jeremy Fogel

1 Pursuant to Civil Local Rules 7-1 and 7-11, Plaintiff Facebook, Inc. respectfully moves  
2 for an order from this Court stating that the November 21, 2008 Default Judgment against  
3 defendants Adam Guerbuez and Atlantis Blue Capital is now enforceable in California and is no  
4 longer subject to appeal or other review in United States Federal Court.

5 Whereas, some foreign jurisdictions require a certificate from an official in the issuing  
6 jurisdiction to establish that the judgment can no longer be appealed or reviewed there and that it  
7 is final and enforceable there;

8 Whereas, a federal court judgment requires a ten day stay after entry by the court clerk  
9 before it can be enforced (see Fed. R. Civ. P. 62(a));

10 Whereas, a notice of appeal of a final judgment must be filed within 30 days after the  
11 judgment or order appealed from is entered (see Fed. R. App. P. 4(a));

12 Whereas, this Court issued a Default Judgment against defendants Adam Guerbuez and  
13 Atlantis Blue Capital on November 21, 2008;

14 Whereas, on December 9, 2008, this Court issued a Final Judgment; and

15 Whereas, no notice of appeal has been filed;

16  
17 IT IS HEREBY ORDERED:

18 The November 21, 2008 Default Judgment against defendants Adam Guerbuez and  
19 Atlantis Blue Capital is now enforceable in California and is no longer subject to appeal or other  
20 review in United States Federal Court.

21  
22 IT IS SO ORDERED.

23  
24 Dated: \_\_\_\_\_, 2009

25  
26 \_\_\_\_\_  
27 Honorable Jeremy Fogel  
28 United States District Judge  
Northern District of California

1  
2 Dated: April 10, 2009

I. NEEL CHATTERJEE  
THOMAS J. GRAY  
P. WAYNE HALE  
Orrick, Herrington & Sutcliffe LLP

3  
4  
5  
6 /s/ Thomas J. Gray

7 Thomas J. Gray  
8 Attorneys for Plaintiff  
9 FACEBOOK, INC.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 10, 2009.

Dated: April 10, 2009.

Respectfully submitted,

/s/ Thomas J. Gray

Thomas J. Gray